



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,147	01/12/2001	Daniel A. Babbs	ASYS8102US0MEM	2364

7590 01/22/2003

Mark E. Miller  
O'Melveny & Myers LLP  
Embarcadero Center West  
275 Battery Street  
San Francisco, CA 94111-3305

EXAMINER

KEENAN, JAMES W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/760,147

Applicant(s)

BABBS ET AL.

Examiner

James Keenan

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3652

1. Claims 12-14 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in Paper No. 10.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2-5, 8, and 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the recitation that the workpieces are stored “in a substantially vertical orientation” is unclear in that the workpieces have not been set forth as having any particular shape or structure.

In claims 3-5, the recitation that the number of stockers may be “varied between one and ...” is indefinite because claim 1, from which these claims depend, requires “at least two stockers”.

In claim 8, line 4, the recitation of “the reticles” lacks antecedent basis.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Iwai et al (US 5,829,939).

Art Unit: 3652

In figure 24 note load port assembly 210 which separates door 214 and shell 212 of container 209 to provide access to workpieces 205 supported by cassette 211 in the container, stockers 320, 324 which store the workpieces after having been removed from the container, and transfer mechanism 322 which transfers the workpieces between the container and the stockers.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai et al in view of Iizuka (US 4,999,671, previously cited).

Iwai et al do not show that the number of stockers could be varied. Iizuka shows a workpiece management system comprising an inherent load port, transfer mechanism 50, and stockers 2 which are portable. Iizuka discloses that a “suitable number” of stockers may be used. This is considered to be within the range specified. It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Iwai et al by utilizing varying numbers of stockers, as suggested by Iizuka, as this would allow greater flexibility in workflow management.

Re claims 6-7, since the stockers of Iizuka are portable they clearly could be stored remotely and used for bulk transport of workpieces away from the system. The inclusion of this feature within the modified apparatus of Iwai et al would be a design expediency.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai et al in view of Iwasawa et al (US 4,867,629, previously cited).

Art Unit: 3652

Iwai et al do not store the workpieces in a vertical orientation. Iwasawa et al show a similar workpiece management system including a stocker wherein workpieces are stored in a vertical orientation. It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Iwai et al by storing workpieces in a vertical orientation, as shown by Iwasawa et al, as this would simply be an alternate equivalent means of storing workpieces.

Re claim 8, although Iwai et al show a fan 282 and filter 285, this is not part of the stocker. Furthermore, the stockers are not coaxial annular carousels rotatable about a central shaft and having radially oriented slots for storing the workpieces. Iwasawa et al show the stocker to comprise annular carousels rotatable about a central shaft 70 and having a plurality of radially oriented compartments 92 having openings for airflow circulated from a fan filter unit 182, 188. It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Iwai et al by constructing the stockers with rotatable annular carousels with radially oriented slots exposed to filtered air, as shown by Iwasawa et al, as this would allow a greater number of workpieces to be stocked in a clean, dustfree manner.

It is also noted that although Iwai et al and Iizuka both show the workpieces to be wafers rather than reticles, both references disclose that other similar types of workpieces may be substituted. As reticles are well known in the art and similar in size and shape to wafers, the substitution thereof is considered an obvious design expediency, especially since no explicit structural limitations regarding the reticles has been set forth.

Art Unit: 3652

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai et al in view of Iwasawa et al, as applied to claim 8 above, and further in view of Iizuka.

To have further modified the apparatus of Iwai et al such that the stockers could be stored remotely and used for bulk transport of workpieces away from the system, as suggested by Iizuka, would have been obvious for the same reason set forth above in paragraph 5.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant's arguments with respect to claims 1-8 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

However, it is noted that applicant's comments in general are not commensurate in scope with the claims, which do not require individual workpieces (reticles) to be handled or stored, and thus do not preclude the workpieces from remaining in cassettes.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3652

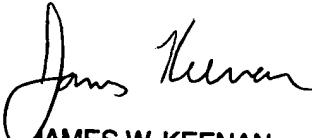
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is (703) 308-2559.

The fax phone number for the organization where this application is assigned is 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

jwk  
January 17, 2003

  
JAMES W. KEENAN  
PRIMARY EXAMINER